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SENATE

{ REPORT
No. 1932

FRANCO BERARDI

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3969]

The Committee on the Judiciary, to which was referred the bill (H. R. 3969) for the relief of Franco Berardi, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor adopted child of citizens of the United States the status of a nonquota immigrant, which is the status normally enjoyed by the alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 10-year-old Italian boy who was adopted in Italy on June 25, 1948, by Mr. and Mrs. Frank Berardi, who are citizens of the United States, who reside in San Francisco, Calif.

A letter dated February 7, 1952, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case reads as follows:

FEBRUARY 7, 1952.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 3969) for the relief of Franco Berardi, an alien. The bill would make it possible for the minor child, Franco Berardi, to acquire a nonquota status in the issuance of an immigration visa.

The files of the Immigration and Naturalization Service of this Department disclose that Franco Berardi was born in Italy on April 15, 1942, and that he has never resided in the United States. He is the son of Mr. Crescenzo Berardi, a brother of Mr. Frank Berardi, a naturalized citizen of the United States, who resides in San Francisco, Calif. The child's natural parents live in Italy and have five other children. Due to conditions in Italy, the natural father of the child suggested his adoption by his brother. Mr. Frank Berardi adopted the alien subject of the bill in Italy on June 25, 1948. Mr. and Mrs. Berardi, having no children of their own, now desire to bring Franco to the United States. Mr. Berardi has supported the alien since his adoption. Mr. Berardi who works at the naval shipyards in California at a salary of \$80 a week, is apparently financially able to care for the child.

The quota for Italy to which the alien is chargeable is oversubscribed and an immigration visa is not readily obtainable. The Congress has not seen fit to enact legislation granting nonquota status or preference status within the quota to adopted children of United States citizens. The alien's case is similar to those of many other aliens, many of whom are orphans, who have been adopted by citizens of the United States but who have been unable to enter the United States because of quota restrictions. It is believed the problem here involved is a general one and should be resolved, if at all, through general legislation and not by a series of individual private bills. The files fail to present any factors which would justify giving the alien a preference over other alien children similarly situated.

Accordingly, the Department of Justice is unable to recommend the enactment of the measure.

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 3969) should be enacted.